

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,) CR04-4025-MWB
vs.)
Plaintiff,) DEFENDANT'S RESPONSE
RONALD LEE PRESTON RUPP,) TO SECOND SUPPLEMENTAL
Defendant.) AND SUBSTITUTED PETITION
) TO REVOKE SUPERVISION
)

COMES NOW the Defendant, Ronald Rupp, and states to the Court as follows:

1. Mr. Rupp was charged with Driving While Barred on January 3, 2016. He promptly contacted his U.S. Probation Officer and met with his U.S. Probation Officer as required by the rules. Mr. Rupp has now pled guilty to the charge of Driving While Barred. He has been sentenced to 30 days.

2. Mr. Rupp was arrested on February 15, 2016 for Driving While License Barred. He promptly contacted his U.S. Probation Officer as required. Mr. Rupp was required to perform 40 hours of community service, which has been satisfied.

3. Mr. Rupp has admitted to being outside of Iowa and in Nebraska to look at a lawnmower for his business.

4. a. On August 20, 2016, Mr. Rupp was arrested by Sioux City Police Department (not Woodbury County Sheriff's Department). Mr. Rupp contacted his U.S. Probation Officer immediately upon arrest, as required. Mr. Rupp has pled guilty to driving while license is barred. A trial date is pending. Mr. Rupp is presumed to be innocent as a matter of law.

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b. Mr. Rupp has entered into an 11(c)(1)(C) plea agreement on this charge. Punishment for this and an enhancement for this same conduct in the PRIS, is double counting of criminal history points and double punishment.

5. Mr. Rupp, as a passenger, was pulled over without probable cause in South Sioux City, Nebraska as a passenger in a motor vehicle on June 30, 2016. Mr. Rupp contacted his U.S. Probation Officer as required. No charges were filed. It is assumed that you would have possession (in some manner) drugs in order to distribute them. If this refers to the same facts as 4(b), then it is a duplication. See paragraph 4(b) above. To the extend it is assumed Mr. Rupp possessed drugs on June 30, 2016, this is denied.

WHEREFORE, the Defendant prays the Court terminate his supervised release to protect his from further harassment by law enforcement officers.

Dated this 3rd day of March, 2017.

Respectfully submitted,

RHINEHART LAW, P.C.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on March 3, 2017.

By: U.S. Mail Facsimile
 Hand delivered Overnight courier
 E-file

Signature /s/ Tara Osterholt

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